

CODE OF ORDINANCES CITY OF SUGAR LAND, TEXAS

PART I CHARTER* *As Amended through 2004*

*Editor's note: The charter is set out as passed and approved by the majority of the voters at the city election on June 15, 1999.

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ARTICLE I. GENERAL PROVISIONS

Sec. 1.01. Incorporation.

The inhabitants of the City of Sugar Land, Fort Bend County, Texas, residing within its corporate limits, are a municipal body politic under the name of the "City of Sugar Land."

(Ord. No. 1178, § 1, 6-15-99)

Sec. 1.02. Form of Government.

The City government shall be known as the council-manager form of government. All City powers are vested in an elected city council. The council shall appoint a city manager, who shall execute the laws and administer City government.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 1.03. General Powers.

The City shall have all powers possible for a home-rule city to have under the Texas Constitution, the laws of the State of Texas, and this Charter, as fully and completely as though they were specifically enumerated in this Charter, including the power:

- (a) To annex an area for full or limited purposes as provided in this Charter and to disannex land.
- (b) To borrow money on the faith and credit of the City by the issuance and sale of bonds, notes, or other debt instruments;
- (c) To enact ordinances for the safety, health, and general welfare of the citizens;
- (d) To assess the owners of real property abutting upon a public highway or street for street improvements made thereon, in accordance with State law;
- (e) To the full extent allowed by law, to require that any person, utility, or company making use of the city's streets or property to provide any service to the public first obtain the written consent of the city by license, permit, franchise, ordinance or otherwise. A franchise shall not be valid for more than fifty (50) years; and

- (f) To the full extent allowed by law, to regulate the rates, charges, fees, operations, and services of any person, utility, or entity providing water, wastewater, electricity, natural gas, telephone, telecommunications, cable television, taxicab, bus, solid waste, transportation, or similar service to the public within the city.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 1190, § 1, 8-3-99; Ord. No. 1448, 5-25-04)

Sec. 1.04. Garnishment and Execution.

- (a) Except as otherwise provided for by State or Federal law, City funds are not subject to garnishment and the City is not required to answer in any garnishment proceeding.
- (b) City property is not subject to any kind of execution.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 1.05. Charter Commission.

The council shall appoint a charter commission as often as it deems necessary, but not less than every five years, to review the operations of city government under the Charter and determine whether revisions should be made. At the conclusion of its review, the commission shall make a written report of its recommendations of changes, if any, to the city council. The city council may submit the recommended changes, as it deems appropriate, to the voters for approval.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 1.06. Severability.

If any section or part of a section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with section or part of section to which such holding shall directly apply.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 1.07. Non-Substantive Revisions.

- (a) The City Council may, without approval of the voters, adopt an ordinance that makes the following types of revisions to the Charter:
 - (1) Renumbering, revising titles, and rearranging parts thereof;
 - (2) Correcting errors in spelling, grammar, cross-references, and punctuation; and
 - (3) Revising language to reflect modern usage and style.
- (b) A revision adopted under this section is not intended to and is not to be interpreted as making any substantive change in any Charter provision.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 1448, 5-25-04)

Sec. 1.08. Full-Purpose Annexation.

The City may by ordinance annex an area lying outside its corporate limits for the purpose of exercising therein all of its municipal powers to the fullest extent allowed by law and, upon annexation, the area so annexed and the inhabitants thereof will be a part of the City for all purposes.

(Ord. No. 1448, 5-25-04)

Sec. 1.09. Limited-Purpose Annexation.

- (a) The City may annex an area for one or more of the following limited purposes:
 - (1) To regulate by ordinance the use of real property, including the use, construction, alteration, and maintenance of structures, buildings, and signs to the same extent the City regulates those matters by ordinance within the full-purpose corporate limits of the City; and
 - (2) To regulate by ordinance the health and safety of persons within the annexed area to the same extent the City regulates those matters by ordinance within the full-purpose corporate limits of the City.
- (b) Any City ordinance annexing an area for limited purposes will specify the City's existing ordinances that will initially apply to the area annexed for limited purposes. The city council may by later ordinance apply other existing City ordinances to an area previously annexed for limited purposes if for a purpose specified in this section. Any amendment of a City ordinance that applies to an area annexed for limited purposes will, upon the effective date of the amendment, automatically apply to the area annexed for limited purposes.
- (c) The City has the power to administer and enforce its ordinances that apply in an area annexed for limited purposes to the same extent and through the same procedures that its ordinances apply within the full-purpose corporate limits of the City. The City's municipal courts have jurisdiction within an area annexed for limited purposes to enforce the City's ordinances that apply therein to the same extent the municipal courts may enforce ordinances within the full-purpose corporate limits of the City.
- (d) The City may by ordinance impose and collect reasonable charges from property owners and inhabitants of an area annexed for limited purposes to the same extent and amount that the City imposes and collects charges from property owners and inhabitants within the full-purpose corporate limits of the City for the same or similar services or regulations, but the City may not levy a municipal ad valorem tax on the personal or real property of the property owners or inhabitants of an area annexed for limited purposes.
- (e) The City may impose and collect a sales and use tax in the area annexed for limited purposes to the full extent allowed by law.

- (f) The property owners and inhabitants of an area annexed for limited purposes may not vote in any City election or exercise any of the other rights or privileges enjoyed by the property owners and inhabitants within the full-purpose corporate limits of the City area, except as otherwise provided for in this Charter, the ordinance annexing an area for limited purposes, or as provided by other law.

(Ord. No. 1448, 5-25-04)

ARTICLE II. THE COUNCIL

Sec. 2.01. Election and Term.

- (a) The council shall consist of a mayor and six (6) council members elected by the voters for a term of two (2) years, or until their successors have been elected and qualified.
- (b) The mayor and two (2) council members shall be elected at-large in even-numbered years. The two (2) at-large council members positions shall be respectively designated as Position 1 and Position 2. The remaining four (4) council members shall be elected by districts, designated as Districts 1, 2, 3, and 4, in odd-numbered years. The council shall modify the size, configuration, and geographic definition of the council districts as necessary to provide equal representation to all citizens of the city and to comply with state and federal law.
- (c) Council elections shall be held in May of each year on the date specified by state law. A candidate must be elected to office by majority vote. If no candidate for an office receives a majority vote, a run-off election shall be held as required by state law. The council shall be the judge of the election and qualifications of its own members.
- (d) The city secretary shall promptly notify all persons elected to office. A candidate who is elected in a regular, special or runoff city election shall, after taking the oath of office as prescribed in section 10.02 of this charter, take office, and enter upon his duties at the next council meeting.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 2.02. Qualifications.

Council members shall be twenty-one (21) years of age or older and city residents for at least one (1) year preceding their election. A district council member shall during the term of office maintain a residence in the district to which elected. No council member shall hold any other city office or city employment while serving as a council member or hold any paid city employment within two (2) years thereafter.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 2.03. Term Limitations.

A person may not be elected in a city election to any council position more than four times in any consecutive nine-year period. For purposes of this provision, the position of the mayor is considered a separate office from other council positions.
(Ord. No. 1178, § 1, 6-15-99)

Sec. 2.04. Compensation.

The mayor and councilmen may receive such pay or compensation, including necessary expenses incurred in the performance of their official duties, in an amount determined from time to time by the council; provided, that the pay or compensation received by the mayor shall not be less than that received by each councilman.
(Ord. No. 1178, § 1, 6-15-99)

Sec. 2.05. The Mayor.

- (a) Head of City government. The mayor shall preside at all council meetings and be deemed a council member and be entitled to vote upon all matters considered by the council. The mayor shall be recognized as the head of the City government for all ceremonial purposes and shall perform any additional duties as provided for by Federal or State laws or regulations.
- (b) Mayor pro tem. Following each city election in May, the council shall appoint one of its members as mayor pro tem. The mayor pro tem acts as mayor during mayor's absence and has the power to perform every act the mayor could perform if present.
- (c) Acting mayor. In the event of the absence, disability or qualification of both the mayor and mayor pro tem at any particular meeting of the council, the remaining members of the council, if a quorum be present, shall, by election, designate one of their members as acting mayor, and he shall act as mayor for such particular meeting and shall have the power to perform every act the mayor could perform if present.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 1448, 5-25-04)

Sec. 2.06. Vacancies.

- (a) If the office of mayor becomes vacant, the following provisions apply:
 - (1) If, at the time of the vacancy, more than fifteen (15) months remain on the term, a city election shall be held for mayor at the next May council election. Pending the city election, the council shall appoint one of its members as mayor, whereupon the position of the appointed member becomes vacant.
 - (2) If, at the time of the vacancy, three (3) months or more, but fifteen (15) or less months remain on the term, the council shall appoint one of its members as mayor to serve for the duration of the mayor's term, whereupon the position of the appointed member becomes vacant.

- (3) If, at the time of the vacancy, less than three (3) months remain on the term, the mayor pro tem shall act as mayor and receive the compensation of the mayor, but the mayor pro tem's position does not become vacant.
- (b) If the office of a council member, other than the mayor's position, becomes vacant, the council shall within thirty (30) days of the vacancy appoint a qualified person to fill the vacancy. If, at the time of the vacancy, more than fifteen (15) months remain on the term, an election shall be held for the position at the next May council election. Otherwise, the appointee shall serve the remainder of the unexpired term of that position.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 1245, § 1, 5-23-00)

Sec. 2.07. Powers and Duties of the Council.

All powers of the city shall be vested in the city council, except as otherwise provided by law or this Charter. The powers and duties of the council shall include the following:

- (a) To select, appoint, review, and dismiss the city manager, with or without cause;
- (b) To establish boards or commissions and appoint individuals thereto as shall be required by law or deemed necessary by the city council.
- (c) To adopt and modify yearly a plan containing the goals and long range plans for the city and directing the city manager in meeting those goals and plans; and
- (d) To exercise exclusive jurisdiction upon, over and under the public streets, sidewalks, alleys, and public grounds of the city, including the right to impose charges for the use of such property.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 2.08. Council meetings.

- (a) The council shall hold two (2) regular meetings each month on the first and third Tuesdays of the month. If a designated Tuesday is a legal holiday, the city council may hold the meeting on another day. All meetings of the council shall be held at the city hall, unless the council designates another place after giving due notice thereof. The mayor, any four (4) council members, or the city manager may call special meetings of the council.
- (b) The council shall determine its own procedures for council meetings and may compel the attendance of its members. Four (4) council members shall constitute a quorum and an affirmative vote of at least four (4) members shall be necessary for the council to take any action relating to public business. The vote on all ordinances and resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose.

- (c) If, because of the death or disability of council members, there are an insufficient number of council members for a quorum for two or more consecutive council meetings that are required to be held under the Charter, the remaining member or members are sufficient in number to act as a quorum until the next required council meeting is held at which four or more council members are in attendance.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 1448, 5-25-04)

Sec. 2.09. Legislation.

- (a) An ordinance shall not be adopted until it has been considered and favorably acted on by the council at two (2) separate council meetings. However, ordinances relating to the following matters, may be adopted by the council after consideration at only one meeting:
 - (1) The adoption or amendment of a budget or the assessment or levy of taxes;
 - (2) The calling of an election or the canvassing of the returns and declaring the results of an election;
 - (3) The issuance or sale of bonds; certificates of obligations, or other debt instruments; and
 - (4) Where the city council, by the affirmative vote of five (5) or more members, adopts an ordinance declaring that an emergency exists because there is an immediate need to preserve and protect the peace, health, safety, or welfare of the community.
- (b) The caption of a proposed ordinance shall be read once in full at a council meeting, prior to its adoption by the council.
- (c) Notice of the enactment of every ordinance imposing any penalty shall be given by publishing the ordinance or its descriptive caption and penalty in the city's official newspaper one (1) time within thirty (30) days of passage. The failure to comply with this section shall not affect the validity of the ordinance adopted.

(Ord. No. 1178, § 1, 6-15-99; Ord. No. 1245, § 2, 5-23-00)

ARTICLE III. INITIATIVE, REFERENDUM AND RECALL

Sec. 3.01. Power of Initiative.

The initiative power may be used to enact a new ordinance, or to repeal or amend sections of current ordinances, except that such power shall not extend to the budget, or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officials or employees. Any initiative ordinance or amendment may be submitted to the council by a petition signed by qualified voters of the city equal in number to at least thirty (30) percent of those voting the last regular city election. If the council fails to adopt an ordinance or amendment so proposed, then the voters shall have the power to adopt or reject it at a city election.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.02. Power of Referendum.

The electors shall have the power to approve or reject any ordinance passed by the council, or submitted by the council to a vote of the electors, except in case of bond ordinances, ordinances making the annual tax levy and matters relating to salaries of city employees, such power being known as the referendum. Ordinances submitted to the council by initiative petition and passed by the council without change shall be subject to the referendum in the same manner as other ordinances. Within forty-five (45) days after the enactment by the council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least thirty (30) percent of the electors voting in the last regular municipal election may be filed with the city secretary requesting that any such ordinance be either repealed by the council or submitted to a vote of the electors.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.03. Form of Petition; Committee of Petitioners.

All petitions circulating for purposes of an initiative or referendum shall be uniform in size and style. Each copy of an initiative or referendum petition shall contain the full text of the proposed ordinance, or the ordinance petitioned for referendum and names and addresses of the same five (5) electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. The signatures to an initiative or referendum petition need not be appended to a single copy of the petition. Each signer of any copy of such petition shall sign his name and his name only in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. Attached to each copy of such petition, there shall be an affidavit of the circulator thereof that he, and he only personally circulated the foregoing copy of such petition, that it bears a stated number of signatures, that all signatures appended thereto were made in his presence and that he believes them to be the genuine signatures of the persons whose names they purport to be.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.04. Filing, Examination and Certification of Petitions.

All copies of a petition comprising an initiative or referendum petition shall be assembled and filed with the city secretary as one instrument. Within thirty (30) days after a petition is filed, the city secretary shall determine that each copy of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The city secretary shall declare any copy of the petition entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a copy of the petition is found to be signed by more persons than the number of signatures certified by the circulator, the last signature in excess of the number certified shall be disregarded. If a copy of a petition is found to be signed by fewer than the number certified, the signatures shall be accepted unless void on other grounds. After completing his examination of the petition, the city secretary shall certify the results thereof to the council at its next regular meeting. If the city secretary shall certify that the petition is

insufficient, the city secretary shall set forth in the certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings.
(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.05. Amendments.

An initiative or referendum petition may be amended once if the city secretary declares there are insufficient signatures at any time within ten (10) days after the notification of insufficiency has been sent by the city secretary, by filing a supplementary petition as provided in case of an original petition. The city secretary shall, within five (5) days after such an amendment is filed, examine the amended petition, and if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the committee of the petitioner of his findings and no further action shall be had on such insufficient petition. The findings of the insufficiency of a petition shall not be prejudice the filing of a new petition for the same purpose, provided that any petition for initiative or referendum shall be filed within the time provided by Section 3.02.
(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.06. Effect of Certification of Referendum Petition.

When a referendum petition has been certified as sufficient by the city secretary the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the electors.
(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.07. Consideration by Council and Submission to Electors.

When the council receives an authorized initiative petition certified by the city secretary to be sufficient, the council shall either:

- (a) Pass the initiated ordinance without amendment within sixty (60) days after the date of the certification to the council; or
- (b) Submit said initiated ordinance without amendment to a vote of the qualified voters of the city at a regular or special election to be held within ninety (90) days after the date of the certification to the council; provided, however, that when a regular city election is to be held within one hundred twenty (120) days, but less than sixty (60) days, after the final council vote on the initiated ordinance, such ordinance shall be submitted to a vote of the qualified voters of the city at such regular election; or
- (c) At such election submit to a vote of the qualified voters of the city such initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the council. When the council receives an authorized referendum petition certified by the city secretary to be sufficient, the council shall reconsider the referred ordinance, and if upon such reconsideration such ordinance is not repealed, it shall be submitted to the voters at a regular or special election to be held not more than ninety (90) days after the date of the certification to the council. Provided, however, that when a regular city election is to be held within one hundred

twenty (120) days, but not less than sixty (60) days, after the final council vote on the referred ordinance, such ordinance shall be submitted to a vote of the qualified voters of the city at such regular election. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.08. Form of Ballot for Initiated and Referred Ordinances.

The ballot used in voting upon initiated or referred ordinances shall state the caption of the ordinance and below the caption shall set forth on separate lines the words, "For the Ordinance" and "Against the Ordinance."

Where an initiated ordinance and an alternative ordinance proposed by the council are submitted, the ballot shall state the captions of each ordinance, clearly designating them "Ordinance No. 1" and "Ordinance No. 2", respectively, and shall set forth below the captions on separate lines the words "For Ordinance No. 1", "For Ordinance No. 2," and "Against Both Ordinances." Where an initiated ordinance and an alternative ordinance as submitted, each voter shall vote "For" only one ordinance or "Against Both Ordinances," and a vote for one ordinance shall be counted as a vote against the other ordinance.

Any number of ordinances may be voted on at the same election in accordance with the provisions of this article. If a majority of the votes cast is in favor of a submitted ordinance, it shall thereupon be effective as an ordinance of the city. An ordinance so adopted may be repealed or amended at any time after the expiration of two (2) years by a two-thirds [vote] of the council. A referred ordinance, which is not approved by a majority of the votes cast, shall be deemed thereupon repealed.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.09. Results of Election.

If a majority of the electors vote in favor of a proposed initiative ordinance, it shall thereupon be an initiative ordinance of the city. A referred ordinance, which is not approved by a majority of the electors voting thereon, shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.10. Repealing Ordinances.

Initiative and referendum ordinances adopted or approved by the electors may be amended or repealed by the council as in the case of other ordinances, provided however, that no ordinance adopted at the polls under the initiative shall be amended or repealed by the council within six (6) months of the adoption of said ordinance; and no ordinance repealed at the polls under the referendum shall be re-enacted by the council within six (6) months of the repeal of said ordinance.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.11. Recall; General.

The mayor or any other member of the council may be removed from office by recall.
(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.12. Recall Procedure.

Any elector of the city may make and file with the city secretary an affidavit containing the name and names of the official or officials whose removal is sought and a statement of the grounds for removal. The city secretary shall provide to the elector making such affidavit, copies of petition blanks. The city secretary shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the city secretary shall bear his signature and be addressed to the council, and shall be numbered, dated, and indicate the name of the official(s) whose removal is sought. The city secretary shall enter in a record to be kept in his office the name of the elector to whom the petition blanks were issued and the number issued to said person.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.13. Recall Petitions.

The recall petition must be returned and filed with the city secretary within thirty (30) days after the filing of the affidavit required by this article. The petition must conform to the requirements of this article. It must be signed by at least twenty-five (25) percent of the qualified voters of the city for the recall of the mayor or any council member elected at-large, or twenty-five (25) percent of the qualified voters in the district for the recall of a council member elected from that district. No petition papers shall be accepted as part of the petition unless it bears the signature of the city secretary as required in this article.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.14. Recall Election.

The city secretary shall examine the recall petition and if he finds it sufficient, he shall within five (5) days submit it to the council with his certificate to that effect and notify the official sought to be recalled of such action. If the official whose removal is sought does not resign within five (5) days after such notice, the council shall thereupon order and fix a date for holding a recall election. Any such election shall be held not less than thirty (30) nor more than sixty (60) days after the petition has been presented to the council or if more than sixty (60) days, at the earliest date allowed by law; however, such election may be held at the same time as any municipal election held within such period.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.15. Ballots in Recall Election.

There shall be printed with respect to each person whose removal is sought the question "Shall (name of person) Be Removed From the Office (name of office) By Recall?" Immediately below each such question there shall be printed the following propositions, in the order indicated: "For the Recall of (name of person)" and "Against the Recall of (name of person)."

(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.16. Results of Recall Election.

If a majority of the votes cast at a recall election shall be against the recall of any official named on the ballot, he shall continue in office for the remainder of his unexpired term. If a majority of the votes cast at such an election be for the recall of any official named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as provided in Article II, Section 2.06 of this Charter. An elected official thus removed shall not be appointed to succeed himself. Should all members of the council be recalled at the same time, one of the district judges of Ft. Bend County shall order a special election, to be held at the earliest date allowed by law.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.17. Limitations on Recall.

No recall petition shall be filed against an elected official within six (6) months after he takes office. Following an unsuccessful recall effort, the same official shall not be subjected to another recall petition for a period of six (6) months.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 3.18. District Judge May Order Election.

Should the council fail or refuse to order any of the elections as provided for in this article, when all the requirements for such elections have been complied with by the petitioning electors in conformity with this article, then it shall be the duty of any one of the district judges of Ft. Bend County, Texas, upon proper application being made therefor by any elector of the city to order such elections and to enforce the carrying into effect of the provisions of this article.

(Ord. No. 1178, § 1, 6-15-99)

ARTICLE IV. ADMINISTRATION OFFICES AND DEPARTMENTS

Sec. 4.01. City Manager.

- (a) The city council shall appoint and retain a city manager to serve as the chief administrative officer of the City. The council shall set the compensation to be paid to the city manager. The city manager serves at the pleasure of the city council and shall be subject to dismissal by the city council, with or without cause.
- (b) The city manager shall exercise the administrative powers granted herein or by ordinance. In particular, the city manager has the following powers and duties:
 - (1) To establish, organize, and abolish City departments or administrative units not otherwise provided for by the Charter and to assign the duties thereof;

- (2) To adopt, modify, and administer personnel policies for City employees;
- (3) To hire, promote, transfer, demote, terminate, discipline, and take other administrative actions involving the employment of City employees;
- (4) To establish and adjust salaries and compensation for all employees not appointed by the city council in accordance with a compensation plan approved by the city council;
- (5) To annually prepare and recommend to the city council a budget and to administer the adopted budget;
- (6) To make regular reports to the city council on City operations;
- (7) To prepare and accept items for the agenda of the meetings of the city council in accordance with rules adopted by the city council; and
- (8) To attend and take part in discussions of all open meetings of the city council.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 4.02. City Secretary.

The city manager shall appoint a city secretary who shall serve at the pleasure of the city manager and shall be subject to dismissal by the city manager, with or without cause. The city secretary shall give notice of council meetings, shall keep the minutes of the meetings, shall authenticate by signature all ordinances and resolutions, and shall keep the corporate seal and affix the same to documents and certificates as may be required.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 4.03. City Attorney.

The city manager shall appoint a city attorney who shall serve at the pleasure of the city manager and be subject to dismissal by the city manager, with or without cause. The city attorney shall have been licensed to practice law in this state for at least five (5) years immediately preceding the appointment.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 4.04. Police Department.

There shall be established and maintained a police department to preserve order within the city and to secure the residents of the city from violence and the property therein from injury or loss. The city manager shall appoint a police chief to administer the department, who shall serve at the pleasure of the city manager and be subject to dismissal by the city manager, with or without cause.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 4.05. Fire Department.

There shall be maintained a fire department to provide protection against fires and other disasters. The city manager shall appoint a fire chief to administer the department, who shall serve at the pleasure of the city manager and be subject to dismissal by the city manager, with or without cause.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 4.06. Municipal Court.

- (a) There shall be a court known as the Municipal Court of Sugar Land, with such jurisdiction, powers, and duties as are given and prescribed by State law.
- (b) The city council shall appoint a municipal court judge and one or more associate judges to serve when the presiding judge is unavailable for unable to serve. The presiding and associate judges shall serve two (2) year terms, but may be dismissed by the city council at any time, with or without cause. The judge and associate judges shall be licensed to practice law in this State.
- (c) The city manager shall appoint a municipal clerk who shall serve at the pleasure of the city manager and be subject to dismissal by the city manager, with or without cause. The clerk shall have the power to administer oaths and affidavits, make certificates, fix the seal of the court thereto, and otherwise perform any and all acts necessary in issuing process of such court and conducting the business thereof.

(Ord. No. 1178, § 1, 6-15-99)

ARTICLE V. MUNICIPAL PLANNING AND ZONING

Sec. 5.01. Planning and Zoning Commission.

A planning and zoning commission is established. Members serve two year terms, which shall be staggered. The council shall by ordinance provide for the number of members, which shall not be less than seven, the manner of their appointment, and any other matters relating to the commission as the council deems necessary. The commission shall perform the following duties and responsibilities:

- (a) Approve or disapprove subdivision plats as provided by State law and City ordinance;
- (b) Recommend to the council approval or disapproval of proposed changes in the zoning regulations and zoning map as provided by State law and City ordinance;
- (c) Make recommendations to the council on the City's master plans;
- (d) Make recommendations to the city manager and the city council on the City's five-year capital improvements plan; and.
- (e) Perform any other duties as directed by the council or by ordinance.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 5.02. Zoning Board of Adjustment.

A zoning board of adjustment is established. The council shall by ordinance provide for the number of members, their terms, the manner of appointment, and any other matters relating to the board as the council deems necessary. The board has the powers and duties as provided by State law and City ordinance.

(Ord. No. 1178, § 1, 6-15-99)

ARTICLE VI. MUNICIPAL FINANCE

Sec. 6.01. Fiscal Year.

The fiscal year shall begin on October 1 each year and end on the following September 30. The city council may by ordinance change the fiscal year, but the change shall not be effective until six (6) months after adoption of the ordinance.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 6.02. Fiscal Plan.

Each year the city council shall adopt a fiscal plan providing for a complete program of action for the fiscal year. The plan shall contain:

- (1) The goals established by the city council; and
- (2) The city manager's program to meet the goals of the city council.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 6.03. Budget.

- (a) The city manager shall prepare an annual budget for the ensuing fiscal year. The city manager shall submit to the council, for its review, consideration and revision, both a letter describing the proposed new budget, as well as a balanced budget for the forthcoming fiscal year, not later than sixty (60) days prior to the end of the current fiscal year. The budget, as adopted, must set forth the funding for services, programs and activities of the various city departments, and shall meet all fund requirements provided by law and required by bond covenants. It shall also include a multi-year capital improvement program and a current year capital budget.
- (b) The budget shall be adopted by ordinance by one reading not later than the twenty-fifth (25th) day of the last month of the fiscal year. No budget shall be adopted or appropriations made unless the total of estimated revenues, income and funds available shall be equal to or in excess of such budget or appropriations, except as otherwise provided in this article.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 6.04. Monthly Financial Statement.

Prior to the end of each month, the city manager shall provide the city council with an interim financial statement for the prior month.

(Ord. No. 1178, § 1, 6-15-99)

Sec. 6.05. City Tax Assessor and Collector.

The city manager shall, if required by law, designate a person to serve as city tax assessor and collector to perform the duties thereof.

(Ord. No. 1178, § 1, 6-15-99)

CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the basic Charter and any acts amending the Charter.

TABLE INSET:

Adoption Date	Section	Section this Charter
1-17-81	1.01--11.05	1.01--11.05
9-16-86	1	1.03
	2	2.01
	3	2.02
	4 Deleted	2.03--2.10
	5 Deleted	3.01--3.07
	6 Added	2.03--2.11
	7 Added	3.01--3.04
	8 Rpld	6.01
	9--13	6.03--6.07
	14	7.03, 7.03(e)
	15	8.02(a)
	16	8.10
	17	11.06

TABLE INSET:

Ordinance Number	Adoption Date	Section	Section this Charter
706	6-19-90	2	1.04
		3	1.06(c)
		4	1.07
		5	1.08
		6	2.01
		7	2.02
		8	2.05
		9	2.06(b)
		10	2.07(o)

		11	3.04(k)
		12	5.02
		13	6.07(b), (c)
		14	7.01
		15	7.03(d)(6)
		16	7.04
		17	8.02(a)
		18	9.08
		19	10.07
		20	10.13
		21	10.14
1003	5-21-96	3	2.01, 2.02,
			2.05(a),
			2.06--2.11,
		Dltd	4.01--4.07
			5.13,
			6.01--6.06,
		Dltd	7.01, 7.02,
			7.03(a), (d)(1), (2)
			8.01--8.05,
			9.01, 9.02,
		Dltd	10.01
		Dltd	11.01--11.06
1178	6-15-99	1	1.01--1.07
			2.01--2.10
			3.01--3.18
			4.10--4.06
			5.01, 5.02
			6.01--6.05
1190	8- 3-99	1	1.03(5), (6)
1245	5-23-00	1 Rnbd	2.07

		as	2.06
		2 Rnbd	2.10
		as	2.09
1448	5-25-04		1.03(a),
			1.07--1.09,
			2.05(a),
			2.08(c)